

In the disclosure:

The paragraph at page 8, beginning line 14, is changed as follows.

--Each device 10 11 can be any device including a computer processor able to host and execute computer instructions for an application creating (as a result of user interaction) data items having an associated category (which may be included in the data item as e.g. a field in a record or as a so-called property of a data item). For example, the device 10 can be a cellular phone or a laptop or desktop computer, and the application can be an electronic calendar application, such as a calendar application according to the vCalendar 1.0 specification, described e.g. in *vCalendar: The Personal Calendaring and Scheduling Exchange Format* (a versit Consortium White Paper), published January 1, 1997, on the Internet at the website imc.org, ~~available at:~~

~~<http://www.imc.org/pdi/vealwhite.html>~~.

See also RFC 2445, "Internet Calendaring and Scheduling Core Object Specification (iCalendar)," available on the Internet ~~at:~~

~~<http://www.ietf.org/rfc/rfc2445.txt>~~.--

REMARKS

The Office examined claims 1-33 and rejected same. With this paper, various of the claims are amended, none are canceled, and new claims 34-41 are added, so that claims 1-41 are now pending.

Drawing amendment

At section 2 of the Office action, the drawings are objected to because of not showing reference label "1011" which, according to the Examiner, is mentioned in the description. Applicant has carefully reviewed the entire specification, and nowhere is "1011" mentioned. The description mentions only "10 11" (i.e. "10" followed by a space and then "11"). This ("10 11") is a usual way of indicating reference label "10" and reference label "11" and both of these are shown in the drawings.

Claim objection

At section 3 of the Office action, claim 25 is objected to for improper Markush language. With this paper, claim 25 is changed so as not to be objectionable to the Examiner.

Rejections under 35 USC §112, second paragraph

At paragraph 4 of the Office action, various of the claims are rejected under 35 USC §112, second paragraph.

The Office rejects claims 5 and 17 because "it is unclear what the predetermined procedure [sic]." Applicant respectfully points out that claim 5 provides antecedent basis for "a predetermined procedure," which is not further specified in claim 5, other than it is predetermined, and applicant respectfully submits there is no requirement that "procedure" be specified further. It is recited as "predetermined," as opposed to being

determined at the time it is used. Applicant respectfully submits that the claim is thus definite.

The Office rejects claims 9, 12, 21 and 24 because "by using the word 'possibly' it is unclear whether or not the category branch referred to in these claims are partially harmonized." With this paper, these claims are changed to make more clear that the branch referred to is "possibly" a partial branch, but could be an entire branch, i.e. it is either a partial branch or an entire branch.

The Office also rejects claims 10-11, 22-24, and 26-29 for reciting "device" or "devices" without sufficient antecedent basis. With this paper, these claims are changed in a way believed sufficient to obviate the rejections.

The Office also rejects claims 26-29 for referring to individual components of previous claims. With this paper, these claims are changed to make more clear that they refer to all components of the claims to which they refer. The system to which these claims are directed is now more clearly recited as including at least two device, each of which includes all of the features of the apparatus set out in the claims referred to.

Accordingly, applicant respectfully requests that the rejections under 35 USC §112, second paragraph, be withdrawn.

Other changes to the claims

In addition to the changes mentioned above, various of the claims are changed in ways believed related only to matters of form. In particular, "characterized by/in that" is replaced with "comprising/wherein." Applicant respectfully submits that such changes are permissible per MPEP § 2111.03 (the transitional term "comprising" is synonymous with "characterized by"). Also, reference numerals/ labels are removed from the claims, which

change does not affect the scope of the claims per MPEP § 608.01(m) (the use of reference characters is considered as having no effect on the scope of the claims). Finally, the claims are amended to remove "step of" language.

Rejections under 35 USC §103

At section 5 of the Office action, claims 1-33 are rejected under 35 USC §103 as being unpatentable over SyncML Sync Protocol, version 1.0, July 12, 2000 (hereinafter "SyncML") in view of U.S. Pat. No. 5,303,367 to Leenstra et al. (hereinafter "Leenstra").

As to claim 1, it recites a method for use in synchronizing a first item data store with a second item data store, wherein when storing the items in the first item data store the items are assigned to categories in a first set of categories, and similarly for the second item data store. The method is recited as including: a step in which during a synchronization session a new data item already stored in the second item data store is selected or received for storing in the first item data store, wherein the new data item includes or is accompanied by a category indicator indicating one of at least two categories in a branch of a hierarchy of categories.

The Office asserts that SyncML discloses assigning items to categories in a first set of categories when storing the items in a first item data store, because SyncML discloses using Uniform Resource Identifiers, "which gives the identification or category." Applicant respectfully submits that "identification" is not synonymous or in any way equivalent to "category." An identifier selects a particular object, whereas a category indicates features that objects have in common, and may or may not indicate any items at all, if none have the features.

The Office concedes that SyncML fails to disclose that the new data item includes or is accompanied by a category indicator indicating at least two categories in a branch of a hierarchy of categories. For this, the Office relies on Leenstra, and more specifically, figure 4 of Leenstra.

Leenstra discloses computer-based systems and methods for managing data. More specifically, Leenstra discloses a "self-describing" "composite" data base; it includes, for each data value, a data type indicative of what is represented by the data value. Leenstra uses the term "Data Set" to indicate "an entity consist[ing] of two integral (inseparable, generic, variable length data elements--Data Type and Data Value--; and it may have additional data elements." Leenstra provides "NAME/JOHN DOE" as an example of the data type/ data value construct. The data type is indicated as "processable," just like the data value, so that a processor "need not know ahead of time the type of data contained in the single generic (i.e., data-independent) record structure that it is processing." The processor instead determines the data type when it reads the Data Set. Leenstra further discloses a "Data Set Array," explained to be "a variable length, hierarchically structured list of Data Sets." (See col. 14, lines 22-24.) These are illustrated in figure 4, showing a "key data set," i.e. one that is "used to access the database" and "holds the 'top' position in the hierarchy of a Data Set Array." These hierarchies are of use indicating a "has a" attribute. Using the example at col. 14, beginning line 25, a manufacturer (GE) "has a" location (Seattle, WA), and "has a" manufacturer part number (82A-26), which "has a" cost (30.00), and so on.

The Office asserts that the "hierarchy indicator" disclosed by Leenstra is a teaching of selecting or receiving for storing in a first item data store a new data item in a second data

store, wherein the new data item includes or is accompanied by a category indicator indicating one of at least two categories in a branch of a hierarchy of categories. Applicant respectfully submits that the hierarchical relationship indicated by the hierarchy indicators of Leenstra is not based on categories, but is instead based on "has a" relationships. Leenstra nowhere teaches the use of a hierarchy of categories, as required by claim 1. Leenstra teaches only a way of indicating attributes of a data object (and teaches including in the data object information useable for understanding what the attributes are, and their values). An example of a simply hierarchy of categories is [date (top), birthdate (bottom)]. Leenstra nowhere teaches or discloses such a hierarchy, nor an indicator of a category in such a hierarchy, as required by claim 1. Leenstra discloses a hierarchy of data objects, each, except for the key, a different attribute of the next higher data object in the hierarchy), but not a hierarchy of attributes.

As to the other examined claims, these all also require an indicator of a category in a hierarchy of categories, and so are also believed allowable.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 be reconsidered and withdrawn.

New claims

New claims 34-41 correspond to claims 13-20, and are believed allowable for the reasons given for claims 13-20.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present

response if anything in the present response is unclear or unpersuasive.

8 Sept. 2006

Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

Respectfully submitted,



James A. Retter
Registration No. 41,266

tel: (203) 261-1234
Cust. No.: 004955